

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 25

Introduced by Assembly Member Gilmore

December 1, 2008

~~An act to relating to water.~~ *An act to amend Sections 13385 and 13385.1 of the Water Code, relating to water quality.*

LEGISLATIVE COUNSEL'S DIGEST

AB 25, as amended, Gilmore. ~~Surface water storage.~~ *Mandatory minimum civil penalties.*

(1) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act, with certain exceptions, imposes a mandatory minimum penalty of \$3,000 for each serious waste discharge violation or for certain other described violations if those violations occur 4 or more times in any period of 6 consecutive months. A "serious waste discharge violation" is defined to include a failure to file a certain discharge monitoring report for each complete period of 30 days following the deadline for submitting the report if certain conditions are met.

Civil liability may be imposed administratively by the state board or a regional board or those boards may request the Attorney General to petition the superior court to impose the liability.

This bill would prohibit the state board or a regional board from imposing a mandatory minimum penalty for a violation for which an action to impose liability is not requested or imposed by the state board

or a regional board within one year of the date the state board or regional board receives notice of the violation. The bill would authorize the state board or a regional board to impose a mandatory minimum penalty for a serious violation involving the failure to file a certain discharge monitoring report for each complete 30 day period following the deadline for submitting the report only if the state board or regional board has provided notification to the violator of the ongoing violation. In the absence of notification, the failure to file that monitoring report would constitute a single violation.

(2) The state act authorizes the state board or a regional board, in lieu of assessing all or a portion of the mandatory minimum penalties against a publicly owned treatment works (POTW) that serves a small community, to elect to require that POTW to spend an equivalent amount towards the completion of a compliance project. The state act defines a POTW that serves a small community to mean, in pertinent part, a POTW serving a community of 10,000 persons or fewer.

This bill would expand that definition to include a POTW serving a community of 20,000 persons or fewer.

~~Existing law, the California Bay-Delta Authority Act, establishes in the Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may be amended. Pursuant to the act, the Department of Water Resources and the United States Bureau of Reclamation are the implementing agencies for the water supply reliability, storage, and conveyance elements of the program.~~

~~This bill would state the intent of the Legislature that the department complete, by the earliest possible date, the necessary environmental documentation for the surface water storage projects identified in the Programmatic Record of Decision in order to expedite the construction of vitally needed surface water storage.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 13385 of the Water Code is amended to*
2 *read:*

3 13385. (a) ~~Any~~ A person who violates any of the following
4 ~~shall be~~ is liable civilly in accordance with this section:

5 (1) Section 13375 or 13376.

6 (2) Any waste discharge requirements or dredged or fill material
7 permit issued pursuant to this chapter or any water quality
8 certification issued pursuant to Section 13160.

9 (3) Any requirements established pursuant to Section 13383.

10 (4) Any order or prohibition issued pursuant to Section 13243
11 or Article 1 (commencing with Section 13300) of Chapter 5, if the
12 activity subject to the order or prohibition is subject to regulation
13 under this chapter.

14 (5) Any requirements of Section 301, 302, 306, 307, 308, 318,
15 401, or 405 of the *federal* Clean Water Act (*33 U.S.C. Sec. 1341*),
16 as amended.

17 (6) Any requirement imposed in a pretreatment program
18 approved pursuant to waste discharge requirements issued under
19 Section 13377 or approved pursuant to a permit issued by the
20 administrator.

21 (b) (1) Civil liability may be imposed by the superior court in
22 an amount not to exceed the sum of both of the following:

23 ~~(1)~~

24 (A) Twenty-five thousand dollars (\$25,000) for each day in
25 which the violation occurs.

26 ~~(2) Where~~

27 (B) *If* there is a discharge, any portion of which is not susceptible
28 to cleanup or is not cleaned up, and the volume discharged but not
29 cleaned up exceeds 1,000 gallons, an additional liability not to
30 exceed twenty-five dollars (\$25) multiplied by the number of
31 gallons by which the volume discharged but not cleaned up exceeds
32 1,000 gallons.

33 ~~The~~

34 (2) *The* Attorney General, upon request of a regional board or
35 the state board, shall petition the superior court to impose the
36 liability.

37 (c) Civil liability may be imposed administratively by the state
38 board or a regional board pursuant to Article 2.5 (commencing

1 with Section 13323) of Chapter 5 in an amount not to exceed the
2 sum of both of the following:

3 (1) Ten thousand dollars (\$10,000) for each day in which the
4 violation occurs.

5 (2) ~~Where~~ *If* there is a discharge, any portion of which is not
6 susceptible to cleanup or is not cleaned up, and the volume
7 discharged but not cleaned up exceeds 1,000 gallons, an additional
8 liability not to exceed ten dollars (\$10) multiplied by the number
9 of gallons by which the volume discharged but not cleaned up
10 exceeds 1,000 gallons.

11 (d) For purposes of subdivisions (b) and (c), “discharge”
12 includes any discharge to navigable waters of the United States,
13 any introduction of pollutants into a publicly owned treatment
14 works, or any use or disposal of sewage sludge.

15 (e) In determining the amount of any liability imposed under
16 this section, the regional board, the state board, or the superior
17 court, as the case may be, shall take into account the nature,
18 circumstances, extent, and gravity of the violation or violations,
19 whether the discharge is susceptible to cleanup or abatement, the
20 degree of toxicity of the discharge, and, with respect to the violator,
21 the ability to pay, the effect on its ability to continue its business,
22 any voluntary cleanup efforts undertaken, any prior history of
23 violations, the degree of culpability, economic benefit or savings,
24 if any, resulting from the violation, and other matters that justice
25 may require. At a minimum, liability shall be assessed at a level
26 that recovers the economic benefits, if any, derived from the acts
27 that constitute the violation.

28 (f) (1) Except as provided in paragraph (2), for the purposes of
29 this section, a single operational upset that leads to simultaneous
30 violations of more than one pollutant parameter shall be treated
31 as a single violation.

32 (2) (A) For the purposes of subdivisions (h) and (i), a single
33 operational upset in a wastewater treatment unit that treats
34 wastewater using a biological treatment process shall be treated
35 as a single violation, even if the operational upset results in
36 violations of more than one effluent limitation and the violations
37 continue for a period of more than one day, if all of the following
38 apply:

39 (i) The discharger demonstrates all of the following:

1 (I) The upset was not caused by wastewater treatment operator
2 error and was not due to discharger negligence.

3 (II) But for the operational upset of the biological treatment
4 process, the violations would not have occurred nor would they
5 have continued for more than one day.

6 (III) The discharger carried out all reasonable and immediately
7 feasible actions to reduce noncompliance with the applicable
8 effluent limitations.

9 (ii) The discharger is implementing an approved pretreatment
10 program, if so required by federal or state law.

11 (B) Subparagraph (A) only applies to violations that occur
12 during a period for which the regional board has determined that
13 violations are unavoidable, but in no case may that period exceed
14 30 days.

15 (g) Remedies under this section are in addition to, and do not
16 supersede or limit, any other remedies, civil or criminal, except
17 that no liability shall be recoverable under Section 13261, 13265,
18 13268, or 13350 for violations for which liability is recovered
19 under this section.

20 (h) (1) Notwithstanding any other provision of this division,
21 and except as provided in subdivisions (j), (k), and (l), a mandatory
22 minimum penalty of three thousand dollars (\$3,000) shall be
23 assessed for each serious violation.

24 (2) For the purposes of this section, a “serious violation” means
25 any waste discharge that violates the effluent limitations contained
26 in the applicable waste discharge requirements for a Group II
27 pollutant, as specified in Appendix A to Section 123.45 of Title
28 40 of the Code of Federal Regulations, by 20 percent or more or
29 for a Group I pollutant, as specified in Appendix A to Section
30 123.45 of Title 40 of the Code of Federal Regulations, by 40
31 percent or more.

32 (i) (1) Notwithstanding any other provision of this division,
33 and except as provided in subdivisions (j), (k), and (l), a mandatory
34 minimum penalty of three thousand dollars (\$3,000) shall be
35 assessed for each violation ~~whenever~~ if the person does any of the
36 following four or more times in any period of six consecutive
37 months, except that the requirement to assess the mandatory
38 minimum penalty shall not be applicable to the first three
39 violations:

40 (A) Violates a waste discharge requirement effluent limitation.

1 (B) Fails to file a report pursuant to Section 13260.

2 (C) Files an incomplete report pursuant to Section 13260.

3 (D) Violates a toxicity effluent limitation contained in the
4 applicable waste discharge requirements where the waste discharge
5 requirements do not contain pollutant-specific effluent limitations
6 for toxic pollutants.

7 (2) For the purposes of this section, a “period of six consecutive
8 months” means the period commencing on the date that one of the
9 violations described in this subdivision occurs and ending 180
10 days after that date.

11 (j) Subdivisions (h) and (i) do not apply to any of the following:

12 (1) A violation caused by one or any combination of the
13 following:

14 (A) An act of war.

15 (B) An unanticipated, grave natural disaster or other natural
16 phenomenon of an exceptional, inevitable, and irresistible
17 character, the effects of which could not have been prevented or
18 avoided by the exercise of due care or foresight.

19 (C) An intentional act of a third party, the effects of which could
20 not have been prevented or avoided by the exercise of due care or
21 foresight.

22 (D) (i) The operation of a new or reconstructed wastewater
23 treatment unit during a defined period of adjusting or testing, not
24 to exceed 90 days for a wastewater treatment unit that relies on a
25 biological treatment process and not to exceed 30 days for any
26 other wastewater treatment unit, if all of the following requirements
27 are met:

28 (I) The discharger has submitted to the regional board, at least
29 30 days in advance of the operation, an operations plan that
30 describes the actions the discharger will take during the period of
31 adjusting and testing, including steps to prevent violations and
32 identifies the shortest reasonable time required for the period of
33 adjusting and testing, not to exceed 90 days for a wastewater
34 treatment unit that relies on a biological treatment process and not
35 to exceed 30 days for any other wastewater treatment unit.

36 (II) The regional board has not objected in writing to the
37 operations plan.

38 (III) The discharger demonstrates that the violations resulted
39 from the operation of the new or reconstructed wastewater

1 treatment unit and that the violations could not have reasonably
2 been avoided.

3 (IV) The discharger demonstrates compliance with the
4 operations plan.

5 (V) In the case of a reconstructed wastewater treatment unit,
6 the unit relies on a biological treatment process that is required to
7 be out of operation for at least 14 days in order to perform the
8 reconstruction, or the unit is required to be out of operation for at
9 least 14 days and, at the time of the reconstruction, the cost of
10 reconstructing the unit exceeds 50 percent of the cost of replacing
11 the wastewater treatment unit.

12 (ii) For the purposes of this section, “wastewater treatment unit”
13 means a component of a wastewater treatment plant that performs
14 a designated treatment function.

15 (2) (A) Except as provided in subparagraph (B), a violation of
16 an effluent limitation where the waste discharge is in compliance
17 with either a cease and desist order issued pursuant to Section
18 13301 or a time schedule order issued pursuant to Section 13300,
19 if all of the following requirements are met:

20 (i) The cease and desist order or time schedule order is issued
21 after January 1, 1995, but not later than July 1, 2000, specifies the
22 actions that the discharger is required to take in order to correct
23 the violations that would otherwise be subject to subdivisions (h)
24 and (i), and the date by which compliance is required to be achieved
25 and, if the final date by which compliance is required to be
26 achieved is later than one year from the effective date of the cease
27 and desist order or time schedule order, specifies the interim
28 requirements by which progress towards compliance will be
29 measured and the date by which the discharger will be in
30 compliance with each interim requirement.

31 (ii) The discharger has prepared and is implementing in a timely
32 and proper manner, or is required by the regional board to prepare
33 and implement, a pollution prevention plan that meets the
34 requirements of Section 13263.3.

35 (iii) The discharger demonstrates that it has carried out all
36 reasonable and immediately feasible actions to reduce
37 noncompliance with the waste discharge requirements applicable
38 to the waste discharge and the executive officer of the regional
39 board concurs with the demonstration.

(B) Subdivisions (h) and (i) shall become applicable to a waste discharge on the date the waste discharge requirements applicable to the waste discharge are revised and reissued pursuant to Section 13380, unless the regional board does all of the following on or before that date:

(i) Modifies the requirements of the cease and desist order or time schedule order as may be necessary to make it fully consistent with the reissued waste discharge requirements.

(ii) Establishes in the modified cease and desist order or time schedule order a date by which full compliance with the reissued waste discharge requirements shall be achieved. For the purposes of this subdivision, the regional board may not establish this date later than five years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380. If the reissued waste discharge requirements do not add new effluent limitations or do not include effluent limitations that are more stringent than those in the original waste discharge requirements, the date shall be the same as the final date for compliance in the original cease and desist order or time schedule order or five years from the date that the waste discharge requirements were required to be reviewed pursuant to Section 13380, whichever is earlier.

(iii) Determines that the pollution prevention plan required by clause (ii) of subparagraph (A) is in compliance with the requirements of Section 13263.3 and that the discharger is implementing the pollution prevention plan in a timely and proper manner.

(3) A violation of an effluent limitation where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308, if all of the following requirements are met:

(A) The cease and desist order or time schedule order is issued on or after July 1, 2000, and specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i).

(B) The regional board finds that, for one of the following reasons, the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge:

1 (i) The effluent limitation is a new, more stringent, or modified
2 regulatory requirement that has become applicable to the waste
3 discharge after the effective date of the waste discharge
4 requirements and after July 1, 2000, new or modified control
5 measures are necessary in order to comply with the effluent
6 limitation, and the new or modified control measures cannot be
7 designed, installed, and put into operation within 30 calendar days.

8 (ii) New methods for detecting or measuring a pollutant in the
9 waste discharge demonstrate that new or modified control measures
10 are necessary in order to comply with the effluent limitation and
11 the new or modified control measures cannot be designed, installed,
12 and put into operation within 30 calendar days.

13 (iii) Unanticipated changes in the quality of the municipal or
14 industrial water supply available to the discharger are the cause
15 of unavoidable changes in the composition of the waste discharge,
16 the changes in the composition of the waste discharge are the cause
17 of the inability to comply with the effluent limitation, no alternative
18 water supply is reasonably available to the discharger, and new or
19 modified measures to control the composition of the waste
20 discharge cannot be designed, installed, and put into operation
21 within 30 calendar days.

22 (iv) The discharger is a publicly owned treatment works located
23 in Orange County that is unable to meet effluent limitations for
24 biological oxygen demand, suspended solids, or both, because the
25 publicly owned treatment works meets all of the following criteria:

26 (I) Was previously operating under modified secondary
27 treatment requirements pursuant to Section 301(h) of the Clean
28 Water Act (33 U.S.C. Sec. 1311(h)).

29 (II) Did vote on July 17, 2002, not to apply for a renewal of the
30 modified secondary treatment requirements.

31 (III) Is in the process of upgrading its treatment facilities to
32 meet the secondary treatment standards required by Section
33 301(b)(1)(B) of the Clean Water Act (33 U.S.C. Sec.
34 1311(b)(1)(B)).

35 (C) The regional board establishes a time schedule for bringing
36 the waste discharge into compliance with the effluent limitation
37 that is as short as possible, taking into account the technological,
38 operational, and economic factors that affect the design,
39 development, and implementation of the control measures that are
40 necessary to comply with the effluent limitation. For the purposes

1 of this subdivision, the time schedule may not exceed five years
2 in length, except that the time schedule may not exceed 10 years
3 in length for the upgrade described in subclause (III) of clause (iv)
4 of subparagraph (B). If the time schedule exceeds one year from
5 the effective date of the order, the schedule shall include interim
6 requirements and the dates for their achievement. The interim
7 requirements shall include both of the following:

8 (i) Effluent limitations for the pollutant or pollutants of concern.

9 (ii) Actions and milestones leading to compliance with the
10 effluent limitation.

11 (D) The discharger has prepared and is implementing in a timely
12 and proper manner, or is required by the regional board to prepare
13 and implement, a pollution prevention plan pursuant to Section
14 13263.3.

15 *(4) A violation for which an action to impose liability is not*
16 *requested pursuant to subdivision (b) by the state board or a*
17 *regional board, or not imposed pursuant to subdivision (c), within*
18 *one year of the date the state board or regional board receives*
19 *notice of the violation.*

20 (k) (1) In lieu of assessing all or a portion of the mandatory
21 minimum penalties pursuant to subdivisions (h) and (i) against a
22 publicly owned treatment works serving a small community, the
23 state board or the regional board may elect to require the publicly
24 owned treatment works to spend an equivalent amount towards
25 the completion of a compliance project proposed by the publicly
26 owned treatment works, if the state board or the regional board
27 finds all of the following:

28 (A) The compliance project is designed to correct the violations
29 within five years.

30 (B) The compliance project is in accordance with the
31 enforcement policy of the state board, excluding any provision in
32 the policy that is inconsistent with this section.

33 (C) The publicly owned treatment works has prepared a
34 financing plan to complete the compliance project.

35 (2) For the purposes of this subdivision, “a publicly owned
36 treatment works serving a small community” means a publicly
37 owned treatment works serving a population of ~~10,000~~ 20,000
38 persons or fewer or a rural county, with a financial hardship as
39 determined by the state board after considering such factors as
40 median income of the residents, rate of unemployment, or low

1 population density in the service area of the publicly owned
2 treatment works.

3 (l) (1) In lieu of assessing penalties pursuant to subdivision (h)
4 or (i), the state board or the regional board, with the concurrence
5 of the discharger, may direct a portion of the penalty amount to
6 be expended on a supplemental environmental project in
7 accordance with the enforcement policy of the state board. If the
8 penalty amount exceeds fifteen thousand dollars (\$15,000), the
9 portion of the penalty amount that may be directed to be expended
10 on a supplemental environmental project may not exceed fifteen
11 thousand dollars (\$15,000) plus 50 percent of the penalty amount
12 that exceeds fifteen thousand dollars (\$15,000).

13 (2) For the purposes of this section, a “supplemental
14 environmental project” means an environmentally beneficial project
15 that a person agrees to undertake, with the approval of the regional
16 board, that would not be undertaken in the absence of an
17 enforcement action under this section.

18 (3) This subdivision applies to the imposition of penalties
19 pursuant to subdivision (h) or (i) on or after January 1, 2003,
20 without regard to the date on which the violation occurs.

21 (m) The Attorney General, upon request of a regional board or
22 the state board, shall petition the appropriate court to collect any
23 liability or penalty imposed pursuant to this section. Any person
24 who fails to pay on a timely basis any liability or penalty imposed
25 under this section shall be required to pay, in addition to that
26 liability or penalty, interest, attorney’s fees, costs for collection
27 proceedings, and a quarterly nonpayment penalty for each quarter
28 during which the failure to pay persists. The nonpayment penalty
29 shall be in an amount equal to 20 percent of the aggregate amount
30 of the person’s penalty and nonpayment penalties that are unpaid
31 as of the beginning of the quarter.

32 (n) (1) Subject to paragraph (2), funds collected pursuant to
33 this section shall be deposited in the State Water Pollution Cleanup
34 and Abatement Account.

35 (2) (A) Notwithstanding any other provision of law, moneys
36 collected for a violation of a water quality certification in
37 accordance with paragraph (2) of subdivision (a) or for a violation
38 of Section 401 of the *federal* Clean Water Act (33 U.S.C. Sec.
39 1341) in accordance with paragraph (5) of subdivision (a) shall be

1 deposited in the Waste Discharge Permit Fund and separately
2 accounted for in that fund.

3 (B) The funds described in subparagraph (A) shall be expended
4 by the state board, upon appropriation by the Legislature, to assist
5 regional boards, and other public agencies with authority to clean
6 up waste or abate the effects of the waste, in cleaning up or abating
7 the effects of the waste on waters of the state or for the purposes
8 authorized in Section 13443.

9 (o) The state board shall continuously report and update
10 information on its Internet Web site, but at a minimum, annually
11 on or before January 1, regarding its enforcement activities. The
12 information shall include all of the following:

13 (1) A compilation of the number of violations of waste discharge
14 requirements in the previous calendar year, including stormwater
15 enforcement violations.

16 (2) A record of the formal and informal compliance and
17 enforcement actions taken for each violation, including stormwater
18 enforcement actions.

19 (3) An analysis of the effectiveness of current enforcement
20 policies, including mandatory minimum penalties.

21 (p) The amendments made to subdivisions (f), (h), (i) and (j)
22 during the second year of the 2001–02 Regular Session apply only
23 to violations that occur on or after January 1, 2003.

24 *SEC. 2. Section 13385.1 of the Water Code is amended to read:*

25 13385.1. (a) (1) For the purposes of subdivision (h) of Section
26 13385, a “serious violation” also means a failure to file a discharge
27 monitoring report required pursuant to Section 13383 for each
28 complete period of 30 days following the deadline for submitting
29 the report, if the report is designed to ensure compliance with
30 limitations contained in waste discharge requirements that contain
31 effluent limitations.

32 (2) Paragraph (1) applies only to violations that occur on or
33 after January 1, 2004.

34 (3) *Notwithstanding paragraph (1), the violation described in*
35 *that paragraph shall constitute a single violation unless the state*
36 *board or a regional board has provided written notice to the*
37 *violation with regard to the violation. Upon notification, each period*
38 *of 30 days following the notification shall constitute a separate*
39 *serious violation in accordance with paragraph (1).*

1 (b) (1) Notwithstanding any other provision of law, moneys
2 collected pursuant to this section for a failure to timely file a report,
3 as described in subdivision (a), shall be deposited in the State
4 Water Pollution Cleanup and Abatement Account.

5 (2) Notwithstanding Section 13340 of the Government Code,
6 the funds described in paragraph (1) are continuously appropriated,
7 without regard to fiscal years, to the state board for expenditure
8 by the state board to assist regional boards, and other public
9 agencies with authority to clean up waste or abate the effects of
10 the waste, in responding to significant water pollution problems.

11 (c) For the purposes of this section, paragraph (2) of subdivision
12 (f) of Section 13385, and subdivisions (h), (i), and (j) of Section
13 13385 only, “effluent limitation” means a numeric restriction or
14 a numerically expressed narrative restriction, on the quantity,
15 discharge rate, concentration, or toxicity units of a pollutant or
16 pollutants that may be discharged from an authorized location. An
17 effluent limitation may be final or interim, and may be expressed
18 as a prohibition. An effluent limitation, for those purposes, does
19 not include a receiving water limitation, a compliance schedule,
20 or a best management practice.

21 ~~SECTION 1. The Legislature finds and declares all of the~~
22 ~~following:~~

23 ~~(a) Safeguarding existing and creating new supplies of water~~
24 ~~for California’s homes, businesses, and farms is an essential~~
25 ~~responsibility of government and critical to maintaining~~
26 ~~California’s strong economy and protecting the quality of life for~~
27 ~~Californians.~~

28 ~~(b) While water conservation measures and using recycled water~~
29 ~~are both useful tools to increase the efficiency with which we use~~
30 ~~our existing water supplies, we must use all of the tools in our~~
31 ~~portfolio to increase our ability to capture water during wet seasons~~
32 ~~for use in dry seasons.~~

33 ~~(c) Recent court decisions limiting the amount of water that~~
34 ~~may be pumped from the Delta to destinations in the central valley~~
35 ~~and southern California, have had a devastating impact on the~~
36 ~~agricultural industry of the state and contribute to potential water~~
37 ~~rationing in urban areas. To offset these impacts, the state has no~~
38 ~~choice but to increase its investment in water storage facilities and~~
39 ~~water delivery infrastructure.~~

1 ~~(d) Surface storage facilities are valuable water management~~
2 ~~tools that not only provide flood protection, but also allow the state~~
3 ~~to capture water in wet years and store it for use in dry years, in~~
4 ~~keeping with Department of Water Resources projections of~~
5 ~~continued loss of natural snowpack.~~

6 ~~(e) The surface storage projects identified in the CALFED~~
7 ~~Bay-Delta Program Record of Decision have the added benefit of~~
8 ~~being able to supply water for environmental purposes, which will~~
9 ~~help offset the urban and agricultural water supply losses caused~~
10 ~~by the environmental diversion mandates.~~

11 ~~(f) It is the intent of the Legislature that the Department of Water~~
12 ~~Resources complete the necessary environmental documentation~~
13 ~~for the surface storage projects identified in the CALFED~~
14 ~~Bay-Delta Programmatic Record of Decision, dated August 28,~~
15 ~~2000, by the earliest possible date, in order to expedite the~~
16 ~~construction of vitally needed surface water storage for California.~~